

Exhibit J

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARCHIE COMIC PUBLICATIONS, INC.,

Plaintiff,

-against-

KENNETH W. PENDERS, II,
p/k/a/ KEN PENDERS,

Defendant.

Case No. 10-cv-8858 (RMB)(MHD)

**DEFENDANT AND CROSS-COMPLAINANT KEN PENDERS'
AMENDED PRELIMINARY WITNESS LIST**

Defendant and Cross-Complainant Ken Penders ("Penders"), by and through his undersigned counsel, hereby provides the following preliminary list of witnesses, in accordance with the stipulation entered into between the parties in the above-referenced matter, pursuant to Federal Rule of Civil Procedure ("FRCP") 29.

Penders anticipates, subject to amendment and/or correction, calling upon the following individuals for testimony at trial:

1. Ken Penders;
this witness is available for deposition, subject to the availability of counsel and individual scheduling conflicts, at any point during the months of July and August 2011;
this witness is available for deposition in the Los Angeles metropolitan area, in the state of California.
2. Daryl Edelman;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
3. Paul Castiglia;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
4. Scott Fulop;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.

5. Justin Gabrie;
Penders does not know the dates this witness is available for deposition;
this witness is available for deposition in the city of Easton, state of Pennsylvania.
6. Mike Pellerito;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
7. Victor Gorelick;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
8. Ed Spallone;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
9. Patrick Spaziente;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
10. Fred Mauser;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
11. Karl Bollers;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
12. Manny Galan;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
13. Sam Maxwell;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
14. Michael Higgins;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
15. Nelson Ribiero;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.
16. Frank Gagliardo;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the New York City metropolitan area, New York State.

17. Mike Kanterovich;
Penders does not know the dates this witness is available for deposition;
this witness is available for deposition in the city of Hollis, state of New Hampshire.
18. Bernadette Shahin;
this witness is available for deposition, subject to the availability of counsel and individual scheduling conflicts, at any point during the months of July and August 2011;
this witness is available for deposition in the Los Angeles metropolitan area, in the state of California.
19. Larry Houston;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the Los Angeles metropolitan area, in the state of California.
20. Elliot S. Maggin;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the Los Angeles metropolitan area, in the state of California.
21. Scott Shaw;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the Los Angeles metropolitan area, in the state of California.
22. Jim Valentino;
Penders does not know the dates this witness is available for deposition;
Penders believes this witness is available for deposition in the Portland metropolitan area, in the state of Oregon.

This list is exclusive of any rebuttal or expert witnesses Penders may call.

Dated: August 12, 2011

LOVITZ IP LAW, P.C.

Beverly Hills, California

By /s/
R. Christopher Harshman (*pro hac vice*)
9701 Wilshire Blvd. Ste 1000
Beverly Hills, CA 90212
Tel: (310) 860-6136
Fax: (310) 861-6566

*Attorneys for Defendant Kenneth W. Penders,
II*